

WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

GREG GREEN

PLAINTIFF

v.

NO. 6:18-CV-06129-RTD

CITY OF HOT SPRINGS,
RANDY ATKINSON, BRIAN SHELOR,
BILL BURROUGH, AND DAVID FRASHER
in their individual and official capacities

DEFENDANTS

ORDER

Now before the Court is the Defendants' Motion for Summary Judgment (ECF No. 25). The Plaintiff, a former City of Hot Springs employee, has filed a response to the Defendants' motion. (ECF No. 33). Plaintiff's complaint alleges claims of race discrimination and retaliation. Plaintiff now withdraws his race discrimination claim and moves to dismiss his remaining claims against the individual defendants, leaving the City as the only defendant in this case. Plaintiff's claims against Defendants Atkinson, Shelor, Burrough, and Frasher are hereby **DISMISSED WITHOUT PREJUDICE.**

The remaining issue is whether Plaintiff's retaliation claim against the City withstands summary judgment. Upon review, the Court finds there exists genuine issues of material fact, including but not necessarily limited to, whether the Plaintiff was fired in retaliation for providing deposition testimony against the City in a prior employment law case. Accordingly, the motion (ECF No. 25) should be and hereby is **DENIED.**

This case remains set for a jury trial. The trial will take place on **Wednesday, February 19th, 2020 at 9:00 a.m.** in the third-floor courtroom in Hot Springs. Counsel are directed to report to chambers at **3:00 p.m. on Tuesday, February 18th** for a pretrial conference.

IT IS SO ORDERED this 23rd day of January 2019.

/s/ Robert T. Dawson

**ROBERT T. DAWSON
SENIOR U.S. DISTRICT JUDGE**